

HAMILTON COUNTY BOARD OF COMMISSIONERS
NOVEMBER 28, 2005

The Hamilton County Board of Commissioners met on Monday, November 28, 2005 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A at 12:15 pm. President Altman called the public session to order at 1:08 pm and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Approval of Minutes

Dillinger motioned to approve the November 14, 2005 minutes. Holt seconded. Motion carried unanimously.

Executive Session Memoranda

Dillinger motioned to approve the Executive Session Memoranda of November 28, 2005. Holt seconded.

Motion carried unanimously.

Bid Opening

Bridge #104, 226th Street over Jones Ditch

Mr. Michael Howard opened the bids for Bridge #104, 226th Street over Jones Ditch. Form 96, Non-Collusion Affidavit, Bid Bond, Financial Statement and Acknowledgment of Addendum are included unless otherwise specified. 1) Erber & Milligan - \$314,675.20. 2) Schutt-Lookabill - \$335,454.63. 3) Beaty Construction - \$316,600.00. 4) Hoosier Pride Excavating - \$304,625.98. 5) Duncan Robertson - \$311,698.42. 6) American Contracting - \$392,476.70. 7) George R. Harvey & Son - \$368,285.59. Holt motioned to refer the bids to the highway department for review and recommendation later in today's meeting. Dillinger seconded. Motion carried unanimously.

Bid Award

Small Structure #21040 - Anthony Road over Branch of Jones Ditch

Mr. Jim Neal recommended the bid for Small Structure #21040 - Anthony Road over Branch of Jones Ditch be awarded to George R. Harvey & Sons. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Plat Approvals

Marina Village Replat

Fox Hollow, Section 5

Mr. Mike McBride recommended approval of the plats for Marina Village (replat) and Fox Hollow, Section 5. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Marina Village Replats

Mr. Gordon Byers stated the Replat of Marina Village is a replat of a filed PUD Ordinance. Byers requested permission to not have to appear before the commissioners for the additional replats. This is a recorded subdivision and each time we build it will need to be replatted. There will be 14 more replats. The plat goes through Fishers technical review, it is all private streets and private access out to Fall Creek. The county had jurisdiction because it was not annexed into Fishers. This is part of the area that may be annexed into Fishers. Holt asked how will the plats be recorded if the commissioners do not sign them? Byers stated the Recorder has told him the replats are not an issue. Once the Plan Commission and Fishers signs off, they don't go back and search because the commissioners have signed off. The Recorder and Transfer & Mapping do not have an issue with it. Byers stated he spoke with Mr. Howard, who recommended bringing it to the commissioners for attention. Holt stated he thinks this sets a bad precedent. He does not know of any plats that were recorded that were not signed. Byers stated he can assure the commissioners that in talking with the Recorder the commissioners sign the original plat, the replat gets stamped by the unit and then they are recorded. Byers stated he will send the replats through the county review process. Request denied.

Juvenile Detention Center

Mr. John Barbee presented a fee proposal for RQAW a new Community Corrections building and south Jail expansion programming/schematic design in the amount of \$250,000. This will bring the south end up to the same stage as the north end design. This will allow us to prepare cost estimates for these projects. RQAW has agreed to proceed with half of that amount, \$125,000, with the remainder to be paid only if the project goes forward. We have \$30,000 left from the north end expansion, which could be re-appropriated to use for this contract. Holt motioned to approve. Dillinger seconded. Motion carried unanimously. Holt asked if we want to allocate the \$30,000 towards the \$125,000 rather than spend new money? Barbee stated once the three projects are at the same level we will be requesting additional funds to proceed with these projects. Barbee stated the only thing the \$30,000 can do is give a head start into the next phase of the north end jail expansion design. Altman asked if the monies are appropriated? Barbee stated currently the monies are coming out of the soft costs contingency Juvenile Centers project. Altman stated we are going beyond the Juvenile Center Bond. The north end was clearly related to the Juvenile Centers project. Altman asked if we have appropriations ready to use, if not we need to make the contract subject to approval of appropriation by council. Holt stated there is the issue of loose equipment in the Juvenile Detention Center, is it coming out of what wasn't spent? Barbee stated there is a separate line item for loose equipment. It is fully funded. It will be bid in January so we don't know the hard costs yet. Holt stated we should leave the \$30,000 with the Juvenile Detention. Holt motioned to leave the \$30,000 with the Juvenile Detention and go to Council for an additional. Dillinger seconded. Motion carried unanimously.

Change Orders - Juvenile Detention Center

Barbee requested approval of change orders for the Juvenile Detention Center. Rosema Construction, add \$34,667 for framing changes in housing pods and Weigand Construction deduct \$23,630 for framing changes in housing pods. The net change is an add of \$11,037. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

TP Mechanical Contractors deduct of \$6,496 for scope that was double covered. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Keusch Glass deduct of \$137,354 for changing clerestory window storefront system. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Highway Business

Open Road Cut Permits

Mr. Jim Neal requested approval of an Open Road Cut Permit - RDCUT 2005-022 SBC Locations: north side of Springmill Road & 106th Street and west side of intersection to place new ducts due to conflict with one roundabout. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

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Acceptance of Bonds/Letters of Credit - Highway Department

Neal requested acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-05-0082 - Ohio Casualty Insurance Company Bond #3-806-874 issued on behalf of Calvary Apostolic Church in the sum of \$5,000 to do work in the easement of Cumberland Road and 166th Street to expire November 15, 2006. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Highway Department

Neal requested the release of Bonds and Letters of Credit for the highway department. 1) HCHD #B-03-0113 - Western Surety Company Permit Bond #929268296 issued to Flynn and Zinkan Holdings LLC, COMDR-2003-038, for accel/decel lanes Permit Bond in the amount of \$30,000 at the project located 627.65' south of the intersection of 116th Street and Olio Road and 60.01' west of the centerline of Olio Road (formerly Annie Lane, now known as Lakeridge Drive). 2) HCHD #B-04-0013 - Western Surety Company Permit Bond #929319800 issued to Flynn and Zinkan Holdings LLC, CMDR-2004-006, in the amount of \$50,000 of a commercial drive 730' north of centerline at the intersection of Olio Road and 116th Street on the west side of Olio Road. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Agreements [1:30:02]

Woodshire Homeowners Association Non-Standard Signs

Neal requested approval of Agreement, HCHD #M-05-0033, with Woodshire Homeowners Association for the installation of non-standard signs. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Subdivision Inspection Agreements

Springs of Cambridge, Section 9

Neal requested approval of Subdivision Inspection Agreement, HCHD #A-05-0006, for Springs of Cambridge, Section 9 between Hamilton County and Marina I, LP (owners) and Hamilton County and United Consulting Engineers (engineers) in a not to exceed amount of \$10,000. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Guilford Park Subdivision

Neal requested approval of amended Subdivision Inspection Agreement, HCHD #A-01-0002, for Guilford Park Subdivision for an additional \$326.21. The agreement is between Hamilton County and KB Home and Hamilton County and Crawford, Murphy, & Tilly, Inc. (formerly EDIS). Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Small Structure #21040 Supplemental Agreement #2

Neal requested approval of Supplemental Agreement #2, HCHD #E-04-0001, for Small Structure #21040, Anthony Road over branch of Jones Ditch, with the Schneider Corporation. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Open End Engineering Agreement

Neal requested approval of a Open End Engineering Agreement with A&F Engineering Co., LLC. This agreement is for on-call projects. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Concurrence with Traffic Study Correspondence

Neal requested approval of the list of correspondence concerning investigations of requests for signage on Hamilton County Roads. The list includes correspondence regarding the following: Hidden driveway sign in White River Township; "Slow Children at Play" signs in Fall Creek Township; Hidden Driveway sign and Bridge sign in Jackson Township; and six(6) letters regarding the Four-Way Stop at 103rd & College. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Permission to Advertise

146th Street Extension Requests for Proposals for Construction Engineering

Neal requested permission to advertise for Requests for Proposals for Construction Engineering for the 146th Street Extension, from SR 37 East to Boden Road. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

2006 Annual Highway Bids

Mr. Brad Davis requested permission to advertise for the 2006 Annual Highway Bids. Bids will be opened January 23, 2006 at 2:00 pm. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Acceptance of Right of Way

Neal requested signatures on the Dedication of Public Right of Way from 96th & Olio LLP. The dedication was approved in February but the documents were not signed.

Bid Award

Bridge #104, 226th Street over Jones Ditch

Neal recommended the bid for Bridge #104, 226th Street over Jones Ditch be awarded to Hoosier Pride Excavating, Inc. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Fairground Rental Rates for 2006

Mr. David Brost, Chairman of Fairgrounds Buildings and Grounds Committee, requested approval of the Hamilton County 4-H Fairgrounds 2006 Rental Rates. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Commissioner Committee Reports [1:41:50]

10-Year INDOT Plan

Altman stated she and representatives from the major jurisdictions had a productive meeting with Senator Kenley and Representative Richardson regarding the 10-year INDOT Plan. Senator Kenley has asked for additional information so he will be more empowered when he meets with INDOT representatives when they try to move forward with projects that are in the plan but unfunded and pushed back into an unacceptable time frame. We had concurrence that US 31 and US 69 need to move forward as soon as possible. Davis stated as a result of the Commissioners meeting with INDOT about interim fixes, INDOT has formed a team to examine just that subject and he will be interacting with that group.

Unsafe Buildings [1:44:21]

Mr. Chuck Kiphart updated the commissioners on unsafe buildings that have been reported to the Hamilton County Plan Commission. 1) 10450 North College Avenue, Clay Township. This building has been sold, with closing expected within 30 days. He will contact the City of Carmel regarding who the new owners are and then he will contact the new owners and ask for their time line for repairs. 2) 10129 Central Avenue, North Clay Township. Kiphart stated the home is vacant. He does not consider this building unsafe. Kiphart will contact the township trustee to see if they

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are taking care of the lawn and will check to see if the taxes have been paid. 3) 10460 Combs Avenue, Clay Township. The home is vacant, the owner has financial issues and unable to take care of the home. Holt motioned to schedule a formal hearing. Dillinger seconded. Motion carried unanimously. 4) 1147 East 105th Street, Clay Township. Three rentals in home. House and area are not well maintained. There is a refrigerator in the backyard that still has the door attached, which is a violation of a State law. The Sheriff will take care of the enforcement of the refrigerator door. 5) 2411 & 2413 SR 32 West, Noblesville Township. Homes are vacant, owner is waiting for a commercial buyer. Holt motioned to schedule a formal hearing. Dillinger seconded. Motion carried unanimously.

Altman asked if the county enforces building codes on rental properties? Kiphart stated it would be the local jurisdiction who has zoning authority. Altman suggested that the local jurisdictions be notified when the county receives complaints. Holt recommended sending a copy to the township trustees since they are providing lawn service.

Altman asked Kiphart to let the commissioners know what the status is of the lawn mowing at the next meeting.

New World Contract Addendum [2:01:17]

Ms. BJ Casali requested approval of the Additional Software License Agreement with New World Systems for the UASI Grant. Holt motioned to approve. Dillinger seconded. Altman stated this agreement did not cover the maintenance agreement portion where they waived the fees. The first year is covered by warranty, where do we stand on the balance? Casali stated they are working with Sheriff Carter to determine the best way to cover the payment of the maintenance. Altman stated we are not committing to the maintenance at this point because we do not have an appropriation. Casali stated correct. Motion carried unanimously.

SBC Contracts

Casali requested approval of SBC Contracts, now doing business as AT&T. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Riverview Paramedic Program Contract [2:04:01]

Mr. Michael Howard presented the Fifth Amendment to the Agreement for Providing Paramedic Services and Emergency Medical Technician Services to the Citizens of Hamilton County, Indiana. Ms. Judy Hall, Riverview, stated Riverview is willing to keep the medical directorship that will oversee the direction of EMS. Riverview will continue to do the education for EMS for the county, oversee quality and assurance of EMS Services in the county. Riverview will provide certifications, an EMT class will be available and they will be starting a paramedic class. Each of the fire departments will be able to send 2-3 of their firefighting EMT personnel for paramedic certification, depending on their contract. Riverview will provide supplies and pharmaceuticals according to their individual contracts with Riverview. Dillinger asked how many paramedics are you getting rid of? Hall stated there are nine (9) at this time. Dillinger stated he received an e-mail from one of the paramedics regarding a severance package, are you not giving any severance pay to these people? Hall stated it is Riverview policy, if they have not found further employment they are to talk to Riverview's Human Resources Department. Altman asked if that is not specific to the paramedics? Hall stated no. Severance pay will be discussed with them on an individual basis. Altman stated the agreement needs to be restructured but due to timing to get everyone on board and moving in the direction the hospital wants to go in and to give everyone time to plan, the Fifth Amendment was drafted. The contract needs to be revised and restated. Howard stated the attorney for Riverview provided this amendment. The amendment deleted the reimbursement per run and set out Riverview's obligation (Exhibit A). Exhibit B is the payments Hamilton County will make to the relevant townships and Westfield. It will only be to reimburse them the costs of providing their own service or contractual services to another provider. This happened quickly because Riverview wants to give everyone 30 days notice but we will be back with an agreement to be signed off by the Township Trustees and Town of Westfield, which will set out the obligations of Hamilton County and the Townships. Dillinger stated he has an issue with the severance pay and he does not know that he can vote for this without knowing what the severance pay is. He does not think it is fair, some of the paramedics have been with us for a long time and this is something Riverview needs to address. Altman stated she has a conflict but when she was on County Council everybody knew in 1999 what the program would be and that Riverview would not be providing paramedics in five years and it has gone one year past that. Altman asked how many paramedics did Riverview employ? Hall stated it was 16 one and a half years ago. Howard stated these people will have trouble finding new positions, the nationwide trend is that EMS services are provided by the fire department and he doubts any of these people could pass to go fight fires. Altman asked of the nine paramedics, how many have found alternate employment. Hall stated she has heard that seven of the nine have, but she has not spoken with them individually. Dillinger stated he does not know what that has to do with severance pay. Hall stated that the Human Resources Department has told them to come in and talk to them about their severance. Altman stated the county does not give severance pay, it is individualized to each employer and she does not know why we would be questioning someone's employment practices. Holt motioned to approve the agreement with Riverview. Dillinger seconded. Dillinger and Holt approved. Altman abstained. Motion carried.

Attorney [2:14:21]

Juvenile Detention Appropriation

Howard stated earlier you discussed the appropriation for the Juvenile Detention Center. All of the bond proceeds have been appropriated. When the project was financed we provided quite a bit of contingency with the idea that we would have to move forward with food services and additional office space. There is a close connection with those services because they have something to do with juvenile detention. The EMS and lab expansion on the south side he finds the connection much more tenuous. He has spoken with the Sheriff and they are going to ask that the design money come from CCD, they will ask for a resolution from the County Council at the next meeting, if not it will wait until the March meeting. There is a large contingency to contribute to the north end items.

Resolution 11-28-05-1

Howard requested approval of Resolution 11-28-05-1 regarding the Village Park TIF Bonds. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Ordinance 11-28-05-A, Establishing Highway COIT Refunding Fund

Howard requested approval of Ordinance 11-28-05-A, An Ordinance Establishing a Highway COIT Refunding Fund. Dillinger motioned to waive first reading. Holt seconded. Motion carried unanimously. Dillinger motioned to approve Ordinance 11-28-05-A. Holt seconded. Motion carried unanimously.

Closing Documents

Howard requested the commissioners signatures on the closing documents for the Westfield and Refunding bonds.

Design Consultants General Terms and Conditions

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Howard requested signatures of the GRW General Terms and Conditions for Design Consultants, previously approved by the Drainage Board. Howard suggested the highway department use this agreement for their consultants.

Administrative Assistant [2:20:28]

Conner Prairie Operating Board

Mr. Fred Swift stated Conner Prairie has requested formal documentation of Commissioner Holt's recommendation to serve on their Operating Board. Swift stated the meeting minutes were not sufficient, he will compose a letter for the President's signature.

Precinct Changes

Dillinger motioned to approve the new proposed precincts as presented. Holt seconded. Motion carried unanimously.

Voting Machines Purchase

Dillinger motioned to approve Ms. Kathy Richardson's plans to purchase additional voting machines. No additional funds will be needed. Holt seconded. Motion carried unanimously.

Carmel Clay Schools Wage Determination Committee Appointment

Swift stated the Carmel Clay Schools is requesting an appointment to a Wage Determination Committee. Holt motioned to appoint Marilyn Greenfield. Dillinger seconded. Motion carried unanimously.

Sheriff [2:23:40]

Juvenile Detention Services Brochures

Sheriff Doug Carter stated he has 2,500 Juvenile Detention Services Brochures for the commissioners to distribute during the Commissioners Conference.

Communication Centers

Sheriff Carter stated during the 2006 legislative session will be discussing consolidation of communication centers in every county in the State of Indiana by 2009. This is vehemently opposed by the ISCPD and Association of Chiefs of Police.

Auditor [2:26:30]

VINE Service Agreement Renewal

Ms. Robin Mills requested approval of the VINE Service Agreement Renewal. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

CDBG Certification of Reallocated Entitlement

Mills requested approval of the CDBG Certification of Reallocated Entitlement. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Fixed Asset Notification Forms

Mills requested approval of Fixed Asset Notification Forms from the highway department and human resources. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit - Drainage Board

Mills requested acceptance of Bonds/Letter of Credit for the Drainage Board. 1) HCDB-2005-00117 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 717272S for Murphy Hall Section 1 - storm sewers and subsurface drains - \$325,634.40. 2) HCDB-2005-00118 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 717371S for Murphy Hall Section 1 monuments and markers - \$3,174.00. 3) HCDB-2005-00119 - Developers Surety and Indemnity Company Subdivision Performance Bond No. 717370S for Murphy Hall Section 1 erosion control - \$119,384.40. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit - Drainage Board

Mills requested release of Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2001-00126 - Fidelity and Deposit Company of Maryland Performance Bond No. 08505149 for Village of West Clay Section 8501 storm sewers, erosion control and monumentation - \$10,110.00. 2) HCDB-2002-00311 - Safeco Insurance Company of America Subdivision Bond No. 6161760 for Hayden Run Section 1 erosion control - \$43,546.20. 3) HCDB-2002-00312 - Safeco Insurance Company of America Subdivision Bond No. 6161759 for Hayden Run Section 2 storm sewers - \$79,891.79. 4) HCDB-2003-00007 - Safeco Insurance Company of America Subdivision Bond No. 6200099 for Hayden Run Section 2 storm sewers - \$79,981.79. 5) HCDB-2003-00008 - Safeco Insurance Company of America Subdivision Bond No. 6200100 for Hayden Run Section 2 erosion control - \$6,882.34. 6) HCDB-2003-00073 - Federal Insurance Company Subdivision Bond No. 8193-28-86 for Hayden Run Section 3 storm sewer - \$95,912.27. 7) HCDB-2003-00074 - Federal Insurance Company Subdivision Bond No. 8193-28-85 for Hayden Run Section 3 storm sewer - \$95,912.27. 8) HCDB-2004-00091 - Bond Safeguard Insurance Company Subdivision Bond No. 5013411 for Fox Hollow at Geist Section 4 storm sewers and subsurface drains - \$66,174.88. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Payroll Claims

Mills requested approval of Payroll Claims for the periods of October 24-November 6, paid November 18, 2005 and November 7-20, paid December 2, 2005. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Vendor Claims

Mills requested approval of Vendor Claims to be paid November 29, 2005. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Dillinger motioned to adjourn. Holt seconded. Motion carried unanimously.

Commissioners Correspondence

Wireless Voice and Data Services Memo - BJ Casali

Hamilton East Public Library Request for Appointment

INDOT - 146th Street Extension Project

City of Noblesville Notice of Public Hearing

555 Westfield Road

IDEM Notice of Sewer Applications:

The Boulders, Section 1 - Fishers

Overbrook Farms Subdivision, Section One - Carmel

The Village of Oak Manor, Section 1 - Westfield

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LongRidge Estates, Section 2 - Carmel
Bayview Estates - Fortville
Kendall Wood - Carmel
IDEM Receipt of Air Permit Application:
Bates Technologies, Inc. - Fishers
IDEM Notice of Construction Permit Applications:
Carmel City Center, Parcel 5, Phase 1 - Carmel
Village of West Clay, Jackson Law Office - Carmel

Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Robin M. Mills, Auditor
Kim Rauch, Administrative Assistant to Auditor
Fred Swift, Administrative Assistant to Commissioners
Michael A. Howard, Attorney
Darren Murphy, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Jim Neal, Highway Engineer
Virginia Hughes, Administrative Assistant to Highway Engineer
Dave Lucas, Highway Inspector
Mike McBride, Highway Technical Engineer
Christopher Burt, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Specialist
Joel Thurman, Highway Project Engineer
Matt Knight, Highway Staff Engineer
Kathy Howard, Highway Department
Bob Davis, Highway Superintendent
Bob Ginder, Bridge #104
Floyd Burroughs, FEBA
Judy Hall, Riverview Hospital
Becki Wise, USI
Dick Harvey, George R. Harvey & Sons
John Schutt, Schutt-Lookabill Co., Inc.
David Brost, Fairgrounds Buildings & Grounds Committee
Susan Peterson, Fairgrounds Rental Rates
Lisa Hanni, Fairgrounds Rental Rates
BJ Casali, ISSD
Chuck Kiphart, Plan Commission
Mark McConaghy, Noblesville Housing Authority

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Robin M. Mills, Auditor